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REMARKS

Responding to a March 22, 2005 Office Action, and by the present response, the specification along with Claims 5 through 12 have been amended, Claims 1 through 4 and 17 through 26 have been canceled, while claims 27 through 30 have been added. No new matter has been added and no additional Filing Fee is required. The allowability of pending Claims 12 through 16 has been noted from the March 22, 2005 Office Action. Entry of this Amendment into the record along with reconsideration of the amended claims is respectfully requested.

Applicants' attorneys gratefully acknowledge the courtesies extended during a May 25, 2005 personal interview with Examiner A. Jackson. During the interview, amendments to Claims 8 and 12 were discussed. The structural differences between the present invention and the prior art of record were also discussed.

The specification has been amended by the present response. The amendments to the specification are proffered to correct inadvertent errors in the specification and to place the specification in a preferred form. No new matter has been added. Applicants respectfully request entry of the proposed amendments to the specification into the record of the instant application.

A Restriction Requirement has been issued in connection with the above-identified patent application. As mentioned in the Action, Applicant provisionally elected to prosecute pending Claims 1 through 16 classified in the March 22, 2005 Action as Group I Claims. Responding to such Restriction Requirement, and by the present response, Applicant has elected to cancel

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pending Claims 17 through 23 (Group II) and pending Claims 24 through 26 (Group III).

Cancellation of pending Claims 17 through 23 and/or Claims 24 through 26, however, should be interpreted, directly or indirectly, as a waiver of Applicants' rights in and to the invention set forth in Claims 17 through 23 and/or Claims 24 through 26 and Applicants' respectfully preserve their right to file one or more divisional patent applications regarding the invention set forth in Claims 17 through 23 and/or Claims 24 through 26. Moreover, cancellation of Claims 17 through 23 and/or Claims 24 through 26 from the instant patent application does not affect, directly or indirectly, the inventorship of the subject patent application.

In one form, the present invention relates to a railcar hatch cover hinge structure for mounting a railcar hatch cover to apertured stationary brackets on a railcar while allowing said hatch cover to pivotally move relative to coaming extending about a through defined by said railcar. In this form, the hatch cover hinge structure includes a first end configured for attachment toward one side of the hatch cover. A universal adapter is operably secured toward a second end of the hatch cover hinge structure in laterally spaced relation from the one side of the hatch cover. The universal adapter defines multiple openings disposed in spaced, generally parallel relation relative to each other. At least one of the multiple openings in the adapter generally aligns with openings defined by the stationary brackets to provide an axis of rotation for the hatch cover hinge structure which is spacially fixed relative to the coaming on the railcar whereby permitting pivotal mounting of the hinge structure and thereby the hatch cover to the railcar.

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Similarly, the invention defined in amended independent Claim 12 relates to a hinge structure for pivotally connecting a hatch cover to a railcar. The hinge structure includes a first end configured for attachment to the hatch cover. A universal adapter is arranged toward a second end of the hinge structure. In this form, the universal adapter comprises an apertured piece that is interchangeable with other apertured pieces. Each apertured piece defines a series of openings arranged in different patterns relative to each other and with said openings being disposed in spaced, generally parallel relation relative to each other so as to permit pivotal attachment of the hinge structure and thereby the hatch cover to brackets on the railcar having hinge pins arranged at specified locations relative to coaming on the railcar. Each apertured piece is releasably engagable with the hinge structure in a manner inhibiting relative rotation therebetween.

As mentioned above, the March 22, 2005 Office Action indicated original Claim 12 as being allowable subject to being rewritten in independent form. Claim 12 originally depended from and further defined Claim 8. By the present response, Claim 12 has been rewritten in independent form to include the limitations of original Claims 8. As such, Claim 12 is in condition for allowance.

Claims 13 through 16 all depend and further define the invention set forth in Claim 12. As such, Claims 13 through 16 are likewise in condition for allowance.

In the Action, pending Claims 1 through 7 were rejected under 35 U.S.C. §102(b) under

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U.S. Patent No. 6,435,462 to T. R. Hawes.

By the present response pending Claims 1 through 4 have been canceled. Moreover, Claims 5 through 7 have been amended to change their dependency. More particular, Claims 5 through 7 have been amended to depend from and further define the invention set forth in Claim 8. Thus, the rejection of Claims 1 through 7 under 35 U.S.C. §102(b) under U.S. Patent No. 6,435,462 to T. R. Hawes is moot.

The above notwithstanding, and as discussed during the May 25, 2005 interview with patent Examiner Jackson, the invention set forth in Claim 8 is structurally distinguishable from the '462 Hawes device for several different reasons. First, and in contrast to the invention set forth in Claim 8, the '462 Hawes device relates to securing a mud flap in a single position relative to a vehicle. Second, the '462 Hawes device does not factually disclose or suggest a hinge structure having a first and second ends. The '462 Hawes device does not factually disclose or suggest a hinge structure having a first end configured for attachment toward one side of a hatch cover. Moreover, the '462 Hawes device does not factually disclose a universal adapter secured toward a second end of a hinge structure. As discussed during the interview with Examiner Jackson, the '462 Hawes device does show securing a bracket mount 10 to a part of a vehicle which neither rotates nor pivots. Moreover, and unlike the amended claims presented for consideration, the '462 Hawes device does not include a universal adapter having multiple openings configured to align with apertured stationary brackets on a railcar. For these and other reasons, Claim 8 is

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structurally distinguishable from U.S. Patent No. 6,435,462 to T. R. Hawes.

Additionally, Applicants respectfully submit U.S. Patent No. 3,848,912 to F. Jensen, *et al.* fails to fill the multiple voids separating the structure of independent Claim 8 from the '462 Hawes device. As discussed with Examiner Jackson during the May 25, 2005 personal interview, and in contrast to either amended Claims 8 and 12 relating to mounting or connecting a hatch cover to railcar for pivotal movement, the '912 Jensen, *et al.* device relates to a latching mechanism for releasably holding one side of a railcar hatch cover in a closed position. The hinge structure of the present invention has a first end configured for attachment to the railcar hatch cover. In contrast, and notwithstanding the characterization of the '912 Jensen, *et al.* device set forth in the Action, the device set forth in the '912 Jensen, *et al.* disclosure is not attached to the hatch cover as exemplified in comparing FIGS. 1 and 4 of the '912 Jensen, *et al.* reference.

Other structural features differentiate the present invention from the '912 Jensen, *et al.* device. For example, with the present invention, at least one of the openings in the universal adapter align with the openings in the stationary bracket. As such, the hinge structure has a fixed axis of rotation. Neither similar structure nor its equivalent is set forth within the four corners of the '912 Jensen, *et al.* reference. For these and other reasons, Claim 8 is structurally distinguishable from U.S. Patent No. 3,848,912 to F. Jensen, *et al.* whether taken alone or in combination with the other cited art of record and is in condition for allowance.

Claims 5 through 7 and 9 through 11 depend from and further define the invention set

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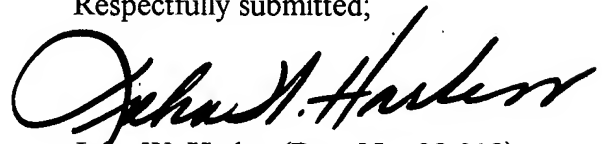
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forth in amended Claim 8. As such, Claims 5 through 7 and 9 through 11 are also in condition for allowance. Reconsideration and removal of the rejection under 35 U.S.C. 102(b) is respectfully requested.

The additional references cited to provide background information but which are not relied upon have been reviewed. It is submitted, however, none of these additional references, either taken alone or in combination with each other or the references relied upon, negatively affects the patentability of the present invention as defined by the amended claims.

In view of the above, favorable reconsideration of this application and an early passing of this patent application to issue is hereby courteously solicited. Should the Examiner desire to speak with Applicants' attorneys, they may be reached at the number indicated below.

Respectfully submitted;

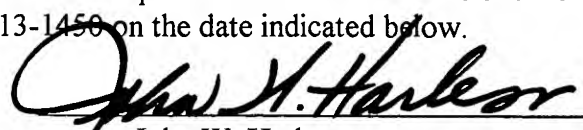

John W. Harbst (Reg. No. 28,018)
One of Applicants' Attorneys

1180 Litchfield lane
Bartlett, illinois 60103
(630) 289-4839
(630) 289-0269 (Fax)
JWHPAT@sbcglobal.net

CERTIFICATE OF MAILING

I hereby certify this correspondence in being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents; P.O. Box 1450; Alexandria, Virginia 22313-1450 on the date indicated below.

Date: May 27, 2005


John W. Harbst